

### **REMARKS**

Claims 1-11 and 13 are pending in the application upon entry of this amendment. Independent claims 1 and 5 have been amended, and new claim 13 has been added. Favorable reconsideration of the application is respectfully requested in view of the amendments and following remarks.

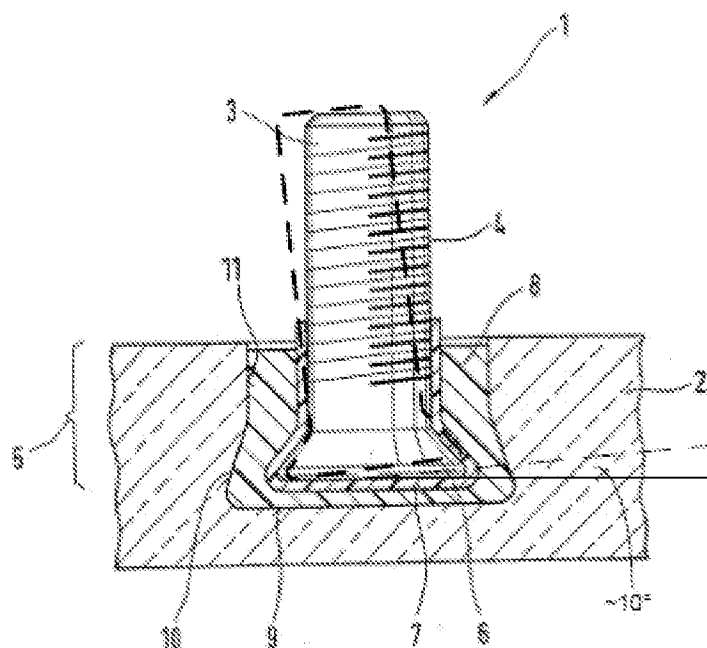
#### ***I. REJECTION OF CLAIMS UNDER 35 USC §§ 102(b) and 103(a)***

Claims 1-9 and 11 stand rejected pursuant to 35 U.S.C. § 102(e), or alternatively 35 U.S.C. § 103(a), as being anticipated by or obvious over Oberhofer et al., U.S. Patent No. 6,735,921 (Oberhofer). Claim 10 stands rejected pursuant to 35 U.S.C. § 103(a) as being obvious over Oberhofer in view of Mallon, U.S. Patent No. 846,493 (Mallon). Applicants traverse the rejections for at least the following reasons.

##### ***A. The Arrangement of Oberhofer Lacks The Dimensional Features As Now Claimed***

In accordance with the comments and suggestions of the Examiner, independent claims 1 and 5 have been amended to recite that “an outermost cross-sectional dimension of the resilient material is less than an innermost cross-sectional dimension of the undercut hole.” Support for the claim amendments may be found in the figure, as described in the application at page 2, line 30 to page 3, line 19. The figure is reproduced below for convenience.

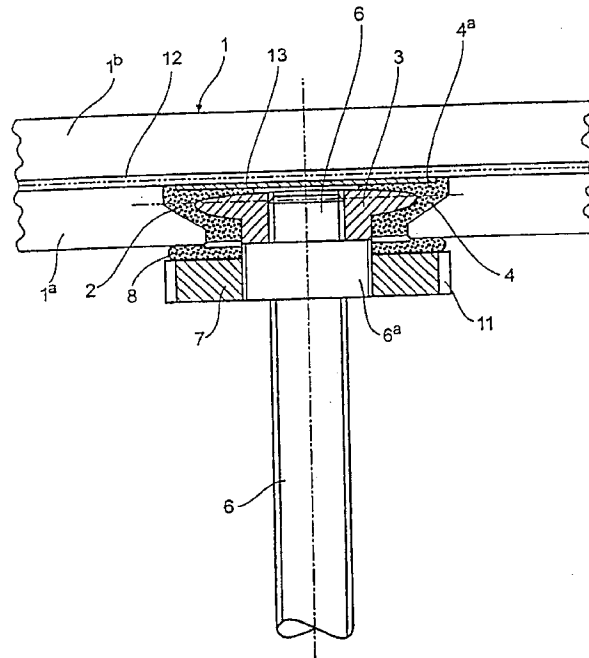
Specifically, in the figure below it can be seen that the outermost cross-sectional dimension of the resilient material 7 is less than the innermost cross-sectional dimension of the undercut hole 9. This permits the fixing device to be placed within the undercut hole from the front of the panel such that during fabrication, the curable compound 8 may be displaced and distributed around the fixing device. (See Application at page 3, lines 13-15.)



## Current Application

The Examiner may recall that with the previous RCE, independent claims 1 and 5 were amended to clarify that the undercut hole is not a “through hole” as depicted in various embodiments of Oberhofer being relied upon by the Examiner (particularly Fig. 14). The Examiner, however, now relies upon embodiments of Oberhofer as exemplified by Fig. 7, in which two glass panes are laminated together. Fig. 7 of Oberhofer also is reproduced below for convenience. The Examiner has taken the position that the claim feature of the undercut hole extending only partially through the panel is equivalent to extending through only one pane of a laminated panel of multiple panes, as disclosed for example in Fig. 7 below.

FIG. 7



## Oberhofer

Applicants assert the configuration of their device differs even from the embodiments of Oberhofer exemplified by Fig. 7 (and other figures depicting multiple panes). In this regard, the Examiner suggests as follows:

As a suggestion, applicant might want to look at claiming the relative dimensions of the resilient plastic material or the bolt head as compared to the size of the hole. In other words it looks like a distinction between the instant invention and Oberhofer is that in the instant invention the bolt is inserted from the front panel whereas in Oberhofer the bolt is inserted from the back panel and it is the dimension of the bolt and plastic material being smaller than the hole entrance which facilitates this distinction.

(Office Action at page 4.)

In accordance with the Examiner's comments, Applicants have amended independent claims 1 and 5 to recite that "an outermost cross-sectional dimension of the resilient material is less than an innermost cross-sectional dimension of the

undercut hole.” This amendment captures the distinction recognized by the Examiner that in Applicants’ device, the fixing device (bolt plus resilient material) may be inserted from the front of the panel. In contrast, in Oberhofer the bolt must be inserted from the back of the first pane of the multi-pane panel because on the front side, the outermost diameter of the fixing device exceeds that of the hole. The fixing device must then be laminated over as a separate step, as depicted in the embodiments as represented by Fig. 7.

Applicants’ configuration has advantages over that of Oberhofer. As stated above, Applicants’ configuration provides a way to efficiently displace and distribute the curable compound around the fixing device. In addition, once set, the bolt is not visible on the face of the panel opposite the wall. In the device of Oberhofer, the anchoring structure is either visible because additional anchoring elements are needed (see, e.g., Fig. 14 applied previously by the Examiner), or the anchoring structures are covered by a separate lamination step (unnecessary in the claimed invention) which adds a second pane or other plate structure over the first pane (see, e.g., Fig. 7 being applied by the Examiner in the current Office Action).

Accordingly, Oberhofer does not disclose or suggest the dimensional features of amended independent claims 1 and 5, and therefore does not anticipate or render obvious claims 1-9 and 11. The rejection of these claims, therefore, should be withdrawn.

***B. Claim 10 and New Claim 13 Are Not Obvious Over Oberhofer In View of Mallon***

Claims 10 and 13 recite that the fixing device is anchored in the undercut portion by a curable compound. At the outset, claim 10 depends from amended claim 5, and therefore also is patentable for at least the above reasons. The rejection of claim 10, therefore, should be withdrawn.

In addition, Applicants assert that the features pertaining to the curable compound are patentable independent of the dimensional features introduced by the current claim amendments. Accordingly, new claim 13 combines the features of

previous claim 5 (i.e., without the current dimensional features) and the curable compound as recited in claim 10.

In the current Office Action, Response to Remarks, the Examiner states that one skilled in the art would have considered both Oberhofer and Mallon in determining how to mount a stud to a panel. Even if true, the references do not teach employing the combination of a resilient material as used in the device of Oberhofer, together with a hard material as disclosed in Mallon. Indeed, the two references teach away from each other. Mallon discloses providing a hard compound surrounding the anchoring bolt to provide a secured fixation. Oberhofer discloses providing a resilient material surrounding the anchoring bolt to provide flexibility to permit some movement of the panel.

In this vein, a combination of Mallon and Oberhofer does not result in, disclose, or suggest the claimed invention. Oberhofer discloses providing a resilient material around the anchoring zone of the bolt. Mallon discloses providing a hard cured material around the anchoring zone of the bolt. There is no disclosure or suggestion in the references, whether view individually or in combination, to provide a configuration by which a resilient material is provided around the anchoring zone of the bolt, and a curable material is provided around the resilient material.

Accordingly, claims 10 and 13 are not obvious over Oberhofer in view of Mallon, and the rejection of these claims should be withdrawn.

## ***II. CONCLUSION***

Accordingly, claims 1-11 and 13 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner consider that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Application No.: 10/560,456

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988, reference number FISCP0101US.

Respectfully submitted,

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